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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 SCOTT EMERSON EVATT,

10 Petitioner,

11 v.

12 RON HAYNES,

13 Respondent.

CASE NO. 3:18-cv-05255-RBL-TLF

ORDER

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15 THIS MATTER is before the Court on Magistrate Judge Fricke's Report and
16 Recommendation [Dkt. # 27], and Petitioner Evatt's Objections to it [Dkt. #s 30, 31, and 32].

- 17 (1) the Report and Recommendation is **ADOPTED**;
- 18 (2) Evatt's Habeas Petition [Dkt. #8] is **DENIED**;
- 19 (3) If he appeals, Evatt is not entitled to a Certificate of Appealability, for the reasons
20 articulated in the Report and Recommendation:
- 21 (4) If he appeals, Evatt's *in forma pauperis* status will not continue;
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1 (5) the Clerk is directed to send copies of this Order to petitioner, to Magistrate Judge
2 Fricke and to any other party that has appeared in this action.

3 IT IS SO ORDERED.

4 Dated this 22nd day of February, 2019.

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7 Ronald B. Leighton
8 United States District Judge
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